

RECEIVED

SEP 17 2018

AT THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Marshall Fisher (Mississippi Commissioner  
of Public Safety), Herb Frierson (Mississippi  
Commissioner of Revenue), Jim Hood  
(Mississippi Attorney General), Marvin  
Vaughn  
Plaintiffs

vs.

Tracy Arnold,  
Respondent

Cause #

Jury NOT requested by Tracy:  
*"Deuteronomy 25:1: If there be a  
controversy between men, and they come  
unto judgment, that the judges may judge  
them; then they shall justify the righteous,  
and condemn the wicked."*

RESPONDENT'S NOTICE OF  
REMOVAL

RESPONDENT FILES THIS NOTICE OR REMOVAL UNDER 28 USC  
§1446(A).

1. INTRODUCTION

1.1 . Plaintiff is Marshall Fisher, Mississippi Commissioner of Public Safety, who can be  
served process at 1900 East Woodrow Wilson Avenue Jackson, Ms 38216 or Po  
box 958 Jackson 39205.

1.2 . Plaintiff is Herb Frierson, Mississippi Commissioner of Revenue, who can be served  
at Po box 22828 Jackson ms 39215.

1.3 . Plaintiff is Jim Hood, Mississippi Attorney General, who can be served at P.O. Box  
220, Jackson, MS 39205.

1.4 . Plaintiff is Marvin Vaughn, Mississippi State Trooper, who can be served at  
22000A Highway 35 North, Batesville, MS 38930.

1.5 . Respondent is Tracy Arnold, Pro Se, who is not a resident of Mississippi nor is  
Tracy domiciled in Mississippi. Tracy sojourns near and far from Adamsville Ten-  
nessee and can be reached by postal service at 1400 Harris Rd Adamsville Tennes-  
see [38310].

1 1.6 . On August 18, 2018 plaintiffs sued respondent in the Clarksdale Mississippi Justice  
2 Court for "B51 no driver's license / expired" of "23 CFR Ch. 3 Part 1327 appen-  
3 dix A" established under 49 USC 30301.

4 1.7 . Respondent was served with notice of the suit on August 18, 2018. Respondent  
5 files this notice within the 30-day time period required by 28 USC §1446(b)(1).

## 2. BASIS FOR REMOVAL

6 2.1 . Removal is proper because plaintiff's suit is civil in nature and involves a federal  
7 question see 28 USC §§1331, 1441(a).

8 2.2 . Copies of all pleadings, process, orders, and other filings in the state-court suit are  
9 attached to this notice as required by 28 USC §1446(a).

10 2.3 . Venue is proper in this district under 28 USC §1441(a) because the state court  
11 where the action has been pending is located in this district.

12 2.4 . Respondent will promptly file a copy of this notice of removal with the clerk of the  
13 state court where the suit has been pending.

14 2.5 . There are no State of Mississippi issues on the face of the suit.

15 2.6 . Tracy Arnold, is the only named Respondent in this instant suit.

## 3. FACTS

### 3.1 . ON THE FACE OF THE COMPLAINT

16 3.1.1 . Plaintiff raises a federal question on the face of the complaint. The offense alleged  
17 arises under 23 CFR Ch. 3 Part 1327 appendix A Part 1.

18 3.1.2 . The Mississippi Supreme Court has already ruled that everything on the face of  
19 the ticket fully informs the Respondent. (see Wheeler v. Stewart, 798 So. 2d 386  
20 (Miss. 2001))

21 3.1.3 . The only thing on the face of the Ticket is federal regulation.

22 3.1.4 . Pursuant to United States v. Hess the matters alleged cannot be implicated by

1 recital or implication and there is nothing on the face of the complaint other than  
2 federal questions.

3 3.1.5 . Pursuant to United v. Mersky when the regulation and statute are inextricably in-  
4 tertwined strict construction of the statute is required which ties 23 CFR Ch. 3  
5 Part 1327 to 49 U.S.C chapter 303.

6 3.1.6 . If it not be commerce, Congress has no concern with it. (see 22 U.S. 1, Gibbons v.  
7 Ogden)

8 3.1.7 . Every code printed on the face of the Mississippi Traffic Ticket are federal record  
9 keeping codes used by the National Driver Register Advisory Committee (see 49  
10 U.S.C. 30306) who is the AAMVA(American Association of Motor Vehicle Ad-  
11 ministrators), to communicate convictions and for cause withdrawals, already  
12 completed, to the NDR(National Driver Register) and other participating states.  
13 (see 23 CFR Ch. 3 Part 1327 appendix A, Part 1 and 2)

14 3.1.8 . The Offenses alleged on the face of the complaint are not found within Missis-  
15 sippi Code or Mississippi Administrative Code.

16 3.1.9 . The B51 is merely a Dictionary Code used to communicate to the NDR and other  
17 states for cause withdrawals.

18 3.1.10 . The B51 provides no facts or circumstances to constitute contents of an affi-  
19 davit.

20 3.1.11 . Title 23 CFR Ch. 3 Part 1327.5(2) defines Appendix A Part 1 for cause with-  
21 drawals as motor vehicle operator's license that have been denied, canceled, re-  
22 voked, or suspended for cause.

23 3.1.12 . The State of Mississippi is a participating state in the NDR under 49 USC 30303  
24 [Title 49 -Transportation Subtitle VI-Motor Vehicle and Driver Programs Part A-  
25 General Chapter 303- National Driver Register].

26 3.1.13 . Title 23 CFR Ch. 3 Part 1327 is regulation to implement law passed by Con-  
27 gress see 49 U.S.C. Chapter 303.

1 3.1.14 . Title 31 Miss. Code. R. Part 1 Rule 10.13 states the following and is authorized  
2 by Miss. Code §§ 45-1-3, 63-1-201:

3 1. The State of Mississippi, Department of Public Safety, is mandated by federal law  
4 to develop and implement a subsystem of the driver license system called the "Prob-  
5 lem Driver Pointer System" (PDPS). This system will allow us to send "interactive"  
6 inquiries to the National Driver Register (NDR) for all drivers. The NDR houses in-  
7 formation about all problem drivers (suspensions, revocations, etc.) in every state.  
8 Currently we can only send and receive interactive inquiries to the NDR on CDL driv-  
9 ers through the CDLIS System (a vital part of the driver license system). Other states  
10 are currently active PDPS States and have been for some time now. The Problem  
11 Driver Pointer System will go into production on January 2, 1995 for the State of  
12 Mississippi. 2. As part of the licensing process, we are required to make an inquiry to  
13 the NDR/PDPS on first time non-minimum age drivers (all originals). If the inquiry re-  
14 sponse returns "possible matches", you must determine if the applicant and the in-  
15 quiry response information are the same individual. If they are, "DO NOT LI-  
16 CENSE". The information you receive will contain each state, the state address, and  
17 phone number that may have an outstanding action against that driver. It is the  
18 driver's responsibility to resolve the issue with each state.

19 3.1.15 . Plaintiff's federal-question arises under the commerce clause of the US Constitu-  
20 tion.

4. IF IT NOT BE COMMERCE, CONGRESS HAS NO CONCERN WITH IT

21 4.1 . Title 6 CFR Ch. 1 Part 37 regulates the application and documents the applicant  
22 must provide, document verification requirements, physical features, surface and  
23 other aspects of the Drivers License and Identification Card.

24 4.2 . Title 6 CFR is the Executive implementation of 49 U.S.C. Chapter 303, specifically  
25 for Drivers Licenses and Identification Cards.

26 4.3 . Title 23 CFR Chapter 3 is the Executive implementation of 49 U.S.C. Chapter 303,  
27 specifically for procedures for participating in and receiving information from the  
28 national driver register problem driver pointer system.

29 ((p206) "....Congress may control the State laws so far as it may be necessary to  
30 control them for the regulation of commerce. ....(p210) ..That regulation is de-

1 signed for the entire result,... It produces a uniform whole...") Gibbons v. Ogden  
2 22 U.S. 1

3 Congress is powerless to regulate anything which is not commerce CARTER v.  
4 CARTER COAL CO. ET AL. HELVERING, 56 S. Ct. 855, 298 U.S. 238 (U.S.  
5 05/18/1936)

6 4.4 . Plaintiff Marvin Vaughn at the stop alleged Tracy Arnold must have a "driver's li-  
7 cense" for the mere use of the roads.

8 4.5 . Plaintiff Marvin Vaughn did not attempt to find whether Tracy Arnold was en-  
9 gaged in interstate or intrastate commerce.

10 4.6 . Tracy Arnold is not a resident of Mississippi.

11 4.7 . Tracy Arnold is not domiciled in Mississippi.

12 4.8 . Mississippi Code Reciprocity 27-19-143 states: "...through their respective en-  
13 forcement divisions, concerning the operation of all motor vehicles, properly regis-  
14 tered in such other state upon and over the public highways of the State of Missis-  
15 sippi, in foreign or interstate commerce, without the payment of the privilege li-  
16 cense tax provided for in this article, provided that the state with which such  
17 agreement is entered into extends like privileges to vehicles properly registered in  
18 the State of Mississippi;"

19 "The essential elements of the definition of privilege is occupation and business,  
20 and not the ownership simply of property, or its possession or keeping it. The tax  
21 is on the occupation, business, pursuits, vocation, or calling, it being one in which  
22 a profit is supposed to be derived by its exercise from the general public, and not a  
23 tax on the property itself or the mere ownership of it."...."The legislature cannot,  
24 under our constitution, declare the simple enjoyment, possession, or ownership of  
25 property of any kind a privilege, and tax it as such. It may declare the business,  
26 occupation, vocation, calling, pursuit, or transaction, by which the property is put  
27 to a peculiar use for a profit to be derived from the general public, a privilege and  
28 tax it as such, but it cannot tax the ownership itself as a privilege. The ownership  
29 of the property can only be taxed according to value.") Phillips v. Lewis, 3 Shann.  
30 Cas. 231

31 4.9 . Tracy Arnold alleges the Driver's License in black letter law is a tax receipt and per-  
32 mission to engage in for profit activity affecting a public interest, in interstate or

1 intrastate commerce. It's provisions and regulations are dominated by Congress  
 2 and if it not be commerce then Congress has no concern with it. The Executive  
 3 Branch and Judicial Branches of Mississippi have misapprehended the law as  
 4 passed by the Mississippi Legislature and in place of the law, the executive branch  
 5 has resurrected and enforced Chief Justice Taney's Dred Scott decision on all races  
 6 alike not just the 'slave races' as Taney put it.

7 ((412)"....to treat them as an inferior class, and to subject them to strict police  
 8 regulations, drawing a broad line of distinction between the citizen and the slave  
 9 races,....(414)... is also a provision by which any negro, Indian, or mulatto servant  
 10 who was found wandering out of the town or place to which he belonged without  
 11 a written pass such as is therein described was made liable to be seized by anyone,  
 12 and taken before the next authority to be examined and delivered up .... to pay  
 13 the charge which had accrued thereby. And..... provides that if any free negro  
 14 shall travel without such pass, and shall be stopped, seized, or taken up, he shall  
 15 pay all charges arising thereby. And this law was..... associated with servants  
 16 and slaves in the police regulations established by the laws of the State...(416)...  
 17 For if they were so received, and entitled to the privileges and immunities of citi-  
 18 zens, it would exempt them from the operation of the special laws and from the  
 19 (417) regulations which they considered to be necessary for their own safety. It  
 20 would give to persons of the negro race, who were recognised as citizens in any  
 21 one State of the Union, the right to enter every other State whenever they pleased,  
 22 singly or in companies, without pass or passport, and without obstruction, to so-  
 23 journ there as long as they pleased, to go where they pleased at every hour of the  
 24 day or night without molestation, unless they committed some violation of law for  
 25 which a white man would be punished; and it would give them the full liberty of  
 26 speech in public and in private upon all subjects upon which its own citizens might  
 27 speak; to hold public meetings upon political affairs, and to keep and carry arms  
 28 wherever they went. And all of this would be done in the face of the subject race  
 29 of the same color, both free and slaves, and inevitably producing discontent and  
 30 insubordination among them, and endangering the peace and safety of the State.")  
 31 Scott v. Sandford, 60 U.S. 393, 19 How. (1856)

##### 5. PLAINTFF'S SUIT AGAINST TRACY ARNOLD IS CIVIL IN NATURE

32 5.1 . The Mississippi Misdemeanor Traffic Ticket is not governed by Mississippi Crimi-  
 33 nal Rules of Procedure see MRCrP 3.1(c) comments. "these rules do not apply to

1 traffic misdemeanors and misdemeanor traffic tickets are governed by statute MS  
2 Code § 63-9-21”

3 5.2 . MS Code § 63-9-21 reads "the ticket shall include information that will constitute  
4 a complaint charging the offense for which the ticket was issued..."

5 5.3 . Mississippi has no rules in Mississippi Code or Administrative Procedure providing  
6 any procedure for challenging the misdemeanor traffic tickets.

7 5.4 . Mississippi has no rules in Mississippi Code or Administrative Procedure for any  
8 probable cause determination or evidence required for the misdemeanor traffic  
9 tickets.

10 5.5 . Mississippi has no rules or procedure in Mississippi Code, Administrative Code or  
11 Criminal Rules providing the procedure for appealing misdemeanor traffic tickets  
12 from Municipal or Justice Courts.

13 5.6 . Tracy Arnold did not operate a motor vehicle.

14 5.7 . Tracy Arnold did not engage in any privilege.

15 5.8 . The privilege of operating a motor vehicle requires using the roads for livelihood or  
16 gain and affecting a public interest.

17 5.9 . If it is false that the Driver's License is the permission to engage in interstate or in-  
18 trastate commerce then the Driver's License is a resurrection of Chief Justice  
19 Taney's Dred Scott decision and without the Driver's License/ Mere Pass for  
20 Travel, Tracy Arnold will continue to be stopped, seized, taken up and shall pay  
21 all charges arising thereby and Tracy Arnold will continue to be treated as an infe-  
22 rior class because Tracy's truly and sincerely held religious beliefs forbid her from  
23 committing **fraud upon the state**.

24 ("But, when no trade is carried on, or intended to be carried on, under the license,  
25 it is clear that the license is a **fraud upon the State law**, if that law is in other re-  
26 spects valid.") Gibbons v. Ogden, 22 U.S. 1, (U.S. 3/2/1824).

27 5.10 . This is blatant discrimination by unconstitutional application of general revenue



1 taxes on interstate or intrastate commerce against Tracy Arnold using the roads  
2 not involved in commerce.

3 5.11 . This instant suit is a general revenue tax dispute and the driver's license is a state-  
4 wide license and is a permission to engage in the business designated.

5 "A license confers a privilege, and makes the doing of something legal, which, if  
6 done without it, would be illegal...Calling the tax receipt a "license" and the tax a  
7 "license tax" does not confine the lawful authority to transact this business to  
8 those who have paid the tax and procured the "license" any more than an ordi-  
9 nary tax on property creates a right or authority to own property. A license is a  
10 police regulation controlling the exercise of a profession, business or occupation."  
11 FLANIGAN v. SIERRA COUNTY., 25 S. Ct. 314, 196 U.S. 553

12 5.12 . Plaintiff seeks to establish a civil in nature debtor-creditor relationship with re-  
13 spondent.

14 2017 Mississippi Code Title 85 - Debtor-Creditor Relationship Chapter 13 - Auto-  
15 mated Data Match System for Identifying and Seizing Financial Assets of Obligors  
16 Identified by Department of Revenue § 85-13-1. Definitions as used in this chap-  
17 ter: (a) "Commissioner" means the Commissioner of Revenue of the Mississippi  
18 Department of Revenue. (b) "Department" means the Mississippi Department of  
19 Revenue. (c) "Finally determined tax liabilities" means any state tax, fee, penalty,  
20 and/or interest owed by a person to the department where the assessment of the li-  
21 ability is not subject to any further timely filed administrative or judicial review.  
22 Miss. Code. 85-13-1(c)

## 6. JURY DEMAND

23 6.1 . Plaintiff did not demand a Jury in the state-court suit.

24 6.2 . Respondent does not request a Jury.

## CONCLUSION

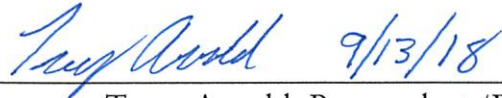
25 1. There is no state B51 No Drivers License and the only B51 No Drivers License known  
26 to the Respondent is found at 23 CFR Ch. 3 Part 1327 Appendix A Part 1- For  
27 Cause Withdrawals. The AAMVA codes contain no facts for circumstances and  
28 provide plaintiffs no cause action in State Court.



1 2. There is no state cause of action alleged in the suit therefore respondent removes this  
2 case to the United States District Court for the Northern District of Mississippi as  
3 the allegations on the face of the complaint are federal in nature.

4 3. The Mississippi Criminal Rules do not apply to misdemeanor traffic tickets see MR-  
5 CrP 3.1(c), No procedure for challenging the misdemeanor traffic tickets are set  
6 out in Mississippi Code or Mississippi Administrative Code. The B51 No Drivers  
7 License imposes no duty on Tracy and is not a criminal penalty provision.

8 Wherefore, Tracy Arnold requests that this Honorable Court to remove this suit to the  
9 United States District Court for Northern Mississippi.

 9/13/18

Tracy Arnold, Respondent (Pro Se)  
1400 Harris Rd Adamsville Tennessee 38310

Telephone: (423) 529-4323

Tracy@Arnoldnet.org

 9/13/18  
Levi Thurston 9-13-18

Witnesses

"... (A)t the mouth of two witnesses, or at the mouth of three witnesses, shall  
the matter be established." Deuteronomy 19:1

## STATE OF MISSISSIPPI - UNIFORM TRAFFIC TICKET

IN THE COURT DESIGNATED BELOW, THE AFFIANT HEREBY, BEING DULY SWORN, UPON OATH

DOES DEPOSE AND SAY: AT THE FOLLOWING LOCATION, TIME AND DATE:

MISSISSIPPI HIGHWAY SAFETY PATROL

COUNTY OF:

COAHOMA

JUDICIAL DISTRICT ☒ 1 ☐ 2

AGENCY CODE

9014

(NINE DIGIT TICKET NUMBER)

202083135

LOCATION OF VIOLATION

WB MS 6 CP

AT/NEAR

JONESTOWN CL

HWY

DAY DATE

TIME

ACCIDENT

DISTRICT

PRECINCT

SAT 8/18/2018

7:13

AM

PM

YES

NO

3

E

DEFENDANT: (FIRST NAME,

MIDDLE NAME,

LAST NAME)

TRACY ARNOLD

LICENSE ADDRESS

N/A

CITY

STATE

ZIP CODE

N/A

DRIVERS LICENSE NUMBER

CLASS

STATE

SEX

RACE

DATE OF BIRTH

N/A

VEHICLE LICENSE NUMBER

STATE

YEAR

MAKE

MODEL

TYPE

N/A

BCN 349

TN

2019

CHEV

MALIBU

PC

Defendant's current address

1400 HARRIS ROAD

ADAMSVILLE, TN 38310

Defendant's current telephone number

N/A

THAT THE ABOVE NAMED DEFENDANT, WHILE OPERATING THE AFOREMENTIONED

MOTOR VEHICLE, DID WILLFULLY AND UNLAWFULLY COMMIT THE OFFENSE OF:

(Check Only One Offense Each Ticket)

Speed

N/A

N/A

N/A

N/A

N/A

N/A

S92 Speeding

F02 Child Restraint Violation

F04 Seatbelt Violation

B51 No Drivers License (Expired)

B53 No Motor Vehicle Inspection (Expired)

B55 Expired Tag

D56 Driving While License Suspended

(Under Implied Consent Law)

N70 Driving Wrong Side Road

B53 Expired Tag

D56 Driving While License Suspended

(Under Implied Consent Law)

N70 Driving Wrong Side Road

N70 Driving Wrong Side Road

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B53 Expired Tag

D56 Driving While License Suspended

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(Under Implied Consent Law)

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ORIGINAL / AFFIDAVIT

This copy shall be filed with the Court of Criminal Justice.

CASE PAGE 306

DOCKET

303

07-49

Reprinted by: Reinfo Booklet

VERIFICATION OF SERVICE

I, Tracy Arnold, verify now and will affirm in open court, that all herein be true.

I have this day, 9/14/18, delivered a true and correct copy of the following material:

Notice of Filing of Removal

Notice of Removal and case files

was delivered via US Postal Service to:

Coahoma Justice Court  
144 Ritch Street  
Clarksdale, Mississippi 38614  
C# EM 086754218 US

Marshall Fisher  
Commissioner of Public Safety  
PO Box 958  
Jackson, Mississippi 39205  
C# 7015-0640-0001-3849-2244

Jim Hood  
Mississippi Attorney General  
MS Attorney Generals Office  
Walter Sillers Building  
PO Box 220  
Jackson, Mississippi 39205  
C# 7015-0640-0001-3849-2237

Herb Frierson  
Mississippi Commissioner of Revenue  
PO Box 22828  
Jackson, Mississippi 39215  
C# 7015-0640-0001-3849-2220

Marvin Vaughn  
State Trooper  
Troop E  
22000A Highway 35 N  
Batesville, Mississippi 38930  
C# 7015-0640-0001-3849-2213

John Sherman  
PO Box 1900  
Clarksdale, Mississippi 38614-7900  
C# 7015-0640-0001-3849-2251

 9/14/18

Tracy Arnold  
1400 Harris Rd  
Adamsville, Mississippi 38310  
Telephone: (423) 529-4335  
(423) 529-4323  
Email: Tracy@arnoldnet.org

VERIFICATION OF SERVICE

I, Tracy Arnold, verify now and will affirm in open court, that all herein be true. I have this day, 9/14/18, delivered a true and correct copy of the following material:

Notice of Removal and case files

Notice of Filing of Removal service

was delivered via US Postal Service to:

United States District Court  
Northern District of Mississippi  
Federal Building Rm 369  
911 Jackson Avenue East  
Oxford, MS 38655  
C# EM 086754204 US

 9/14/18

Tracy Arnold  
1400 Harris Rd  
Adamsville Mississippi 38310  
Telephone:(423)529-4335  
Email:Tracy@arnoldnet.org



PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

**PRIORITY  
★ MAIL  
EXPRESS**

OUR FASTEST SERVICE IN 4E

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SAVANNAH, TN  
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AMOUNT  
**\$24.70**  
R2305K131988-11



1007

38614



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**PRIORITY  
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EXPRESS™**

CUSTOMER USE ONLY  
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